

MADISON COUNTY PLANNING

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Streamside Protection Steering Committee

Meeting Summary

Tuesday July 15, 2008

First Madison Valley Bank, Basement Meeting Room, Ennis, MT

Attendance:

Planning Staff: Jim Jarvis (staff planner), Karen Filipovich (facilitator)

Steering Committee: Kelly Galloup, Richard Lessner, Donna Jones, Gayle Schabarker, Pat Clancy, Chris Murphy, Amy Robinson, Jeff Laszlo, Bill Mercer

Public (34):

Douglas Salmonsens

Diane Shelton

Robert Shelton

Dale Van Dykan

Tom and Gail Omohundro

Michael Baggett

John and Carol East

Mike Wheat

Van K. Bryan

Dave Bricker

Ruby Gleason

Duane Thexton

David Wing

Jerry Wing

Lee Suttner

Thomas Hobson

Lorraine Snipper

Eileen Walters

Laird & Tricia Stabler

Susan Hourany

Dennis Hourany

Karen Giorgianni

Jaime MacNaughton

Elizabeth Allen

Jim Ellerton

Catherine Ellerton

Dennis Aigner

Shirley Fisher

Bernie Fisher

Ardie Fisher

Dianne Salmonsens

1. Welcome, Overview, and Introduction

The meeting was called to order at 6:30 p.m. by Karen Filipovich. Karen presented an overview of the agenda. Introductions were exchanged amongst committee members and the public.

2. Receive June 10, 2008 meeting summary and correspondence since June 10 meeting

Jim Jarvis directed the committee's attention to a summary of the last meeting and copies of public comments, including a petition, received by the Planning Office since June 10, 2008. In addition, Jim outlined the contents of the meeting information packet given to each committee member including, an amended ordinance (June 10, 2008 version) and various handouts.

3. Discuss the Steering Committee Process

Per request of the county commissioners and members of the public, the steering committee was lead by Karen in a review of the committee's review process including its mission statement, purposes for the proposed ordinance, and allowances for public input.

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The committee reviewed and commented on the purposes as originally proposed in the ordinance. Karen presented the purposes on a flipchart, including:

- water quality protection
- riparian habitat preservation
- viewshed protection
- flood control
- health and safety.

Jeff Laszlo suggested the committee try to prioritize the importance of the purposes. A lengthy discussion ensued focusing primarily on protecting water quality and riparian habitat. The petition recently submitted to the county commissioners, and its request to focus on water quality, was referred to several times by committee members. The committee agreed to study the petition carefully and comment more in the future. Viewshed protection was expressed as a lesser concern. Health and safety concerns relating to flooding and water quality was also discussed as important, but very difficult regulatory goals to accomplish. Flooding problems were mainly considered a private matter relating to the amount of risk a property owner wished to accept when building next to a stream. Richard Lessner suggested that water quality, flooding, and riparian habitat, not viewshed, were the main concerns identified by the Growth Solution Process and 2007 Water Summit. Pat Clancy suggested water quality was a valid health and safety concern.

Excerpts from the county commissioner's minutes from July 1, 2008 were read to the committee, specifically the question of whether the proposed ordinance should be tabled and other alternatives explored. The petition signed by 72 persons, asking that the setback ordinance be tabled, in favor of a different regulatory approach was referenced again by the committee. Jeff Laszlo indicated that it was important that the steering committee continued this discussion for fear that if the ordinance was tabled; the ordinance would still be written by someone and implemented without adequate public input. Other members stated that the issue was important and too much effort had been expended to stop now. General agreement was expressed to continue working to amend the existing ordinance.

Karen attempted to clarify this agreement by asking the committee the following:

- **Continue to work on ordinance**
- **Make it [ordinance] something acceptable**
- **Work from existing draft**

Committee concurred. Consensus was confirmed.

Public Comments

- Strike out "setback" in favor "river protection corridor" with specific standards.
- Get rid of the [500 foot] setback. After 6 months no evidence has been presented to support the setback
- Base the setback on science
- "stream setbacks offer an intelligent solution that protects clean water, a homeowners privacy, and the natural landscapes that harbor fish and wildlife..." A 500 foot setback seems ridiculous. There is a strong foundational science for reasonable setbacks.

- Is this a duplicate effort? There is a Watershed Council already working on water quality issues on the Jefferson River with support from Trout Unlimited. Subdivision regulations already exist that include setbacks from the river. Don't change the rules.
- This ordinance is taking away property rights we already bought.
- A box mailing should be done to notify impacted property owners.
- Regulations need to be enforced. What is the cost to the taxpayers for enforcement?
- Focus on water quality based on science, logic, and consensus. Get rid of the 500 foot setback.
- Uniformity is not always desirable; the same applies to setbacks.

Additional Committee Comments

- D. Jones suggested that taking property rights is wrong. C. Murphy concurred.
- G. Schabarker and P. Clancy suggested the intent of the ordinance is not to take away property rights. The intent is to protect rivers and streams.

Karen and Jim suggested a discussion of appropriate setback distances be placed on the next committee agenda for discussion.

The committee agreed. Consensus was confirmed. Section 6: General Standards of the ordinance will be placed on the next agenda for discussion.

The next committee meeting is scheduled for Thursday July 31, 2008 at 6:30 p.m. in Ennis.

4. Adjournment

Meeting adjourned: 8:50 p.m.